EXHIBIT K

Privacy Impact Assessment for

USA Performance (USAP)

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OPM Form 5003

Abstract

USA Performance is the U.S. Office of Personnel Management's software solution to assist Federal agencies in implementing their Senior Executive Service (SES) and Non-SES performance management program and systems. It offers a core suit of functionalities that meet a variety of agency performance management processes while ensuring compliance with Federal regulations and consistency with OPM recommendations. The system enables agencies to automate their performance appraisal process throughout the entire performance rating cycle. Agencies can also develop performance plans, track and monitor employees' performance, provide feedback and ratings, and electronically sign off on performance plans as agency appraisal programs require. This Privacy Impact Assessment is being conducted because USA Performance collects, maintains, and disseminates personally identifiable information.

Overview

USA Performance (USAP) is a user-friendly, web-based application that includes customizable advanced features. The system is managed by the Performance Management Solutions section of the Office of Personnel Management's (OPM) Human Resources Solutions. The purpose of the system is to assist managers in federal government agencies with their performance management initiatives and responsibilities. Agencies can use the system to develop performance plans for their employees, track and monitor employees' performance, provide feedback and ratings, and electronically sign off on performance plans as agency appraisal programs require. USAP allows agencies to focus on results and real time performance management by automating the performance appraisal process throughout the performance rating cycle.

Primarily USAP was designed to help agencies easily implement performance management best practices and policy suggested by the Government

Performance and Results Modernization Act, the Human Capital Assessment and Accountability Framework (HCAAF), the Performance Appraisal Assessment Tool (PAAT), and the Goals-EngagementAccountability-Results initiative (GEAR). The system will enable agencies to adhere to guidance on techniques to evaluate their employees that measure progress and outcomes for program and policy effectiveness. This includes the ability to write better performance requirements and standards, link individual performance to organizational performance, and help agencies more easily pull data to meet OPM reporting requirements.

USAP offers a core suite of tools that agencies can use to meet a variety of agency performance management requirements. USAP automates the Government-wide Performance Management System processes for both SES and Non-SES employees. Within the functionalities, the system can facilitate interactive and continual communication between agencies' managers and employees to cultivate a more productive and engaged workforce by increasing the visibility and transparency of the performance management process. USAP will also help align individual performance with organizational goals, therefore enhancing the accountability of the existing performance management process. In addition, USAP offers optional system functionality for agencies having an established agreement with OPM EHRI to transmit performance plans to OPM's eOPF (Electronic Official Personnel Folder).

USAP ensures that the sensitive PII contained in the system is secure by ensuring that access is granted only to authorized users and that those users are limited to accessing only the information they need to know. In addition, various security controls are in place to ensure the security of the information in USAP. For example, the information is encrypted on the website, during transmission, and at rest in the USAP database.   Disaster recovery and continuity of operations procedures are also in place in the event of a system failure or other event that requires alternate access to USAP information.

Section 1.0. Authorities and Other Requirements

1.1. What specific legal authorities and/or agreements permit and define the collection of information by the project in question?

Pursuant to 5 U.S.C. § 1103(c), OPM is required to design a set of systems, including appropriate metrics and the establishment of relevant standards, for assessing the management of human capital by Federal agencies. OPM has issued an implementing regulation at 5 C.F.R. §§ 250.203, 250.204 and established USAP to meet this statutory requirement.

1.2. What Privacy Act System of Records Notice(s) (SORN(s)) apply to the information?

The performance records contained in USAP are covered by the OPM/GOVT-2 Employee Performance File SORN.

1.3. Has a system security plan been completed for the information system(s) supporting the project?

A System Security Plan has been developed and is maintained as part of the Continuous Monitoring Requirements of the Authority to Operate (ATO). USAP is currently undergoing a Security Assessment and Authorization and a new ATO is expected to be signed on or before June 26, 2020.

1.4. Does a records retention schedule approved by the National Archives and Records Administration (NARA) exist?

USAP Yes. records in USAP are covered by GRS 2.2., Items 070, 071, 072, and 073.

1.5. If the information is covered by the Paperwork Reduction Act (PRA), provide the OMB Control number and the agency number for the collection. If there are multiple forms, include a list in an appendix.

The information contained within USAP is not covered by the Paperwork Reduction Act. Records within USAP are records of Federal employees and are loaded into the system by the Federal agencies that use USAP.

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Section 2.0. Characterization of the Information

2.1. Identify the information the project collects, uses, disseminates, or maintains.

USAP collects, uses, disseminates, and maintains the following information about employees who are undergoing a performance evaluation: full name, social security number, grade, series, work location, work email address, organization, work phone number, position title, and supervisory status. In addition, USAP obtains information about the supervisors who are performing the employee evaluation: full name, work location, work email address, organization, work phone number, position title, and supervisory status.

In addition, USAP collects, uses, disseminates, and maintains the following information that is needed to conduct an employee's performance review: period of performance, critical elements and non-critical elements upon which the employee is being evaluated, performance standards, sub-elements, weights of each element, performance requirements, and strategic alignment.   Additional performance plan documents may also be collected, used, maintained, and disseminated within USAP, that contain additional information to support the employee's performance plan. These documents may include Individual Development Plans (IDPs), work plans, self-accomplishment narratives, training, and other awards certificates.

2.2. What are the sources of the information and how is the information collected for the project?

Employee information in the system is collected from the customer agency's Human Resources staff, and rating data is collected from a user's supervisors. Both are input directly into the system by these agency personnel. Users have a dashboard landing page that shows them where they are in the performance management cycle, any immediate tasks they're scheduled to take, and information on where subordinates are in the process. Information is input by the user or supervisors, as appropriate.

2.3. Does the project use information from commercial sources or publicly available data? If so, explain why and how this information is used.

USAP does not use information from commercial sources or publicly available data.

2.4. Discuss how accuracy of the data is ensured.

Human Resources (HR) staff members at the agencies that use the USAP system are responsible for ensuring that the information they put into the system is accurate. In addtion, the employees and supervisors who put information into the system for the performance management and evaluation process are responsible for ensuring that the information they provide is accurate. The USAP program does not separately confirm the accuracy of the information.

2.5. Privacy Impact Analysis: Related to Characterization of the Information

Privacy Risk: There is a risk that USAP will collect more information than is necessary for the customer agencies to conduct their performance management task.

Mitigation: This risk is mitigated by placing the control over putting relevant information into the system on the individual agency's HR administrators. The HR administrators are in the best position to know and understand what is needed in order to fulfill the agency's business need.

Privacy Risk: There is a risk that the information in USAP is not accurate and will result in either adverse performance decisions or inefficient performance management.

Mitigation: This risk is also mitigated by placing control of what information is placed in USAP with the agency's HR administrators and the employee and supervisor involved in a particular performance evaluation. In addition, all performance plan data undergoes multiple reviews by the employee's Rating

and Reviewing Officials, as well as the agencies' HR offices in order to mitigate any risk of inaccurate data.

Section 3.0. Uses of the Information

3.1. Describe how and why the project uses the information.

The information in USAP is used by individual employees and supervisors to effectively manage performance plans in order to complete the performance cycle process; and by HR administrators to maintain agency performance appraisal plans and practices, and to integrate with strategic plans, annual performance plans and goals, and other relevant budget and acquisition plans. It is also used to hold measurable and observable performance targets. USAP can also be used by agencies to link individual employee performances to organizational performance procedures, which allows for more robust, transparent and open agency performance reporting.

More specifically, participating agencies may use the following USAP system features:

- Create, store, and assign Federal performance appraisal plans and plan templates

- Build standards, competencies, and elements with weights and ratings

- Assign different user roles

- Link to electronic individual development plans (IDPs) and other documents

- Provide for secure, authenticated electronic signatures

- Automatic notification of performance ratings

- Document mid-year, quarterly, and/or other progress reviews

- Track approval process and notification of performance ratings

- Electronic Official Personnel Folder (eOPF) integration

- Track real-time feedback, performance results, and accomplishments

- Automatic reminders for tasks throughout rating period

- Build library of performance management elements and standards

- Provide reporting and analytics capabilities

- Create SES performance appraisal plans consistent with the new OPM SES PM System guidelines

- Generate standard OPM SES performance appraisal form

- Route Executive ratings automatically to Performance Review Board (PRB), and other required agency-specific channels, for approval

- Support standard and customized weighting for SES executive Core qualifications (ECQs)

- Provide organizational assessment and guidance to rating officials in system

- Produce OPM required data for annual SES certification reports

3.2. Does the project use technology to conduct electronic searches, queries, or analyses in an electronic database to discover or locate a predictive pattern or an anomaly? If so, state how OPM plans to use such results.

USAP does not use technology to conduct electronic searches, queries or analyses of the information it collects and stores.

3.3. Are there other programs or offices with assigned roles and responsibilities within the system?

Only USAP program staff at OPM and authorized USAP users, to include employees, supervisors, and agencies' designated HR administrators, have access to the information in the USAP system.

3.4. Privacy Impact Analysis: Related to the Uses of Information

Privacy Risk: There is a risk that an unauthorized user may access the system, or that an authorized user of USAP may access information for an impermissible use.

Mitigation: This risk is mitigated through the use of access controls that restrict user access to the information based on authorization and access permissions in the system. The system maintains access roles that restrict and grant access to information and functionality to support the business process need of the specific user. For example, an individual employee may only view his or her own information and a supervisor may only view the information for those employees for whom they are performing evaluations. In addition, all USAP users are required to adhere to USAP Rules of Behavior that govern the appropriate access and use of the USAP system.

Privacy Risk: There is a risk that authorized USAP users will export information from USAP and store the information on local hard drives or shared drives, putting it at risk for improper use and exposure.

Mitigation: This risk is mitigated by the use of controls that restrict user access. Only designated HR administrators have permissions to export information from the system as needed at their respective agencies for an authorized purpose. In addition, all USAP users are required to adhere to USAP Rules of Behavior that govern the appropriate access and use of the USAP system.

Section 4.0. Notice

4.1. How does the project provide individuals notice prior to the collection of information? If notice is not provided, explain why not.

Users are provided with information concerning the purpose of USAP by their participating agencies. Each agency develops its own performance plan template which should contain a Privacy Act statement informing the individual employees about the purpose for and use of the information being collected.

4.2. What opportunities are available for individuals to consent to uses, decline to provide information, or opt out of the project?

Participating agencies make the decision concerning whether they will require their employees to use USAP to complete the performance evaluation process. As with a paper-based process, some individuals may decline to acknowledge the review completed by their supervisor or may refuse to use the system. In those instances, USAP allows supervisors to complete an employee's performance plan and the information contained in the plan will be communicated to the employee during meetings with his or her supervisor.

4.3. Privacy Impact Analysis: Related to Notice

Privacy Risk: There is a risk that individuals are not provided notice concerning how the information they and others provide about them will be used.

Mitigation: USAP cannot ensure that this risk is fully mitigated but each participating agency can mitigate this risk by ensuring that their performance plan templates contain appropriate Privacy Act statements. In addition, USAP has a dedicated help desk that users can avail themselves of to address questions and concerns and makes a list of Frequently Asked Questions available to users online.

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Section 5.0. Data Retention by the Project

5.1. Explain how long and for what reason the information is retained.

Pursuant to the applicable records schedule, most performance information for SES employees should be retained for five years; and for non-SES employees, four years. Currently, USAP does not have a process in place to identify records for destruction in line with the retention schedule. The USAP program is examining this issue and will work with OPM's Records Officer and the Office of the Chief Information Officer, and with its agency customers, to resolve.

5.2. Privacy Impact Analysis: Related to Retention

Privacy Risk: There is a risk that the records in USAP will be kept longer than necessary to achieve the required business purpose for their collection and use.

Mitigation: This risk is currently not mitigated but the USAP program will work with the OPM Records Officer and the Office of the Chief Information Officer to establish an appropriate process to follow the applicable records retention schedule and fully mitigate this risk.

Section 6.0. Information Sharing

6.1. Is information shared outside of OPM as part of the normal agency operations? If so, identify the organization(s) and how the information is accessed and how it is to be used.

Information is stored in USAP, but not shared outside of the system or with non-authorized users in the normal course of business. The USAP system is not designed to share information between its users or the participating agencies, nor does OPM otherwise share the information with third parties. Each participating agency only has access to information about its own

employees in USAP and individual users are only permitted to access their own information.

6.2. Describe how the external sharing noted in 6.1 is compatible with the SORN noted in 1.2.

Information is stored in USAP, but not shared outside of the system or with non-authorized users.

6.3. Does the project place limitations on re-dissemination?

Information is stored in USAP, but not shared outside of the system or with non-authorized users. Authorized users, however, are required to accept the USAP Rules of Behavior that state that users will obtain, use, or disclose the data only in connection with the performance of their official duties and solely for authorized purposes.

6.4. Describe how the project maintains a record of any disclosures outside of OPM.

USAP captures sufficient information in audit records to document any disclosures of information. The audit records include the date and time of an event; the part of USAP where the event occurred; the type of event; the identity of the individual responsible for the event; and the outcome (success or failure) of the event.

6.5. Privacy Impact Analysis: Related to Information Sharing

Privacy Risk: There is a risk that the information in the USAP system will be shared for purposes other than the stated purposes of the USAP program.

Mitigation: This risk is mitigated because the system is not designed to share information between its users or the participating agencies, or otherwise outside of OPM. The system design and access controls ensure that the USAP information is available only to authorized users who have registered with and been granted an account. In addition, OPM technical personnel review and analyze application audit records to ensure that

information is accessed appropriately, and users are subject to the USAP Rules of Behavior.

Section 7.0. Redress

7.1. What are the procedures that allow individuals to access their information?

The USA Performance Program Office provides employee users with login credentials so that they can register with USAP and access their performance plans. Users may also contact the USAP Help Desk if they need assistance with logging on.

In addition, the applicable SORN provides instructions to individuals who wish to obtain access to their records to contact OPM or their home agency.

7.2. What procedures are in place to allow the subject individual to correct inaccurate or erroneous information?

To update information in USAP, agency administrator users may log into the system, select the Update Personal Information option, and submit their updates. An agency's HR administrators or an individual's supervisor may also correct data as needed, consistent with system performance policies and Rules of Behavior.

In addition, the applicable SORN provides instructions individuals who wish to amend their records to contact OPM or their home agency.

7.3. How does the project notify individuals about the procedures for correcting their information?

Individuals are informed when they register with the USAP program that they may use their valid account information to access their information in the system and correct numerous data fields. USAP also provides an on-line "Frequently asked Questions" page, as well as a contact at a specialized help desk for USAP.

In addition, the applicable SORNs provides notice to the individual users concerning how to access and amend their records.

7.4. Privacy Impact Analysis: Related to Redress

Privacy Risk: There is a risk that employees will not be able to access or amend their information in the system.

Mitigation: The risk is mitigated because the USAP program provides users with the capability to update their information online via the USAP website. USAP implements user access control such that an individual can only access specific information pertaining to them. Participating agencies and OPM provide training to their individual users regarding the use of USAP as a self-service portal for viewing and submitting changes to performance documentation.

Section 8.0. Auditing and Accountability

8.1. How does the project ensure that the information is used in accordance with stated practices in the PIA?

USAP maintains access roles that restrict and grant access to information and functionality to support the business process need. It also captures sufficient information in audit records to ensure that the system is used appropriately. OPM personnel review and analyze application audit records for indications of inappropriate or unusual activity, investigate suspicious activity or suspected violations, report findings to appropriate officials, and take necessary actions.

8.2. Describe what privacy training is provided to users either generally or specifically relevant to the project.

All OPM employees receive annual Security and Privacy Awareness Training which covers the process of handling PII related information.

8.3. What procedures are in place to determine which users may access the information and how does the project determine who has access?

USAP manages access to the data based on assigned system roles granted by the Human Resources office at the user's agency, but it is the role of the participating agencies to determine which of its employees will be granted access. The system maintains access roles that restrict and grant access to information and functionality to support the business process need of the particular user.

8.4. How does the project review and approve information sharing agreements, MOUs, new uses of the information, new access to the system by organizations within OPM and outside?

USAP enters into licensing agreements with the participating agencies. New agreements, and any new uses or access to the system, must be approved by the USAP Program Manager.

Responsible Officials

Ryan Hendricks
USAP Business Program Manager
HRS/CCS/FSG/SAB

Approval Signature

Signed Copy on file with Chief Privacy Officer

Kellie Cosgrove Riley

Chief Privacy Officer

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